



## Senate

General Assembly

**File No. 441**

January Session, 2013

Substitute Senate Bill No. 1015

*Senate, April 11, 2013*

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING THE NEW ENGLAND NATIONAL SCENIC TRAIL.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) (a) It is declared to be the  
2       policy of the state of Connecticut that the Connecticut portion of the  
3       New England National Scenic Trail be preserved in its natural  
4       character as proposed by Public Law 111-11, March 30, 2009.

5       (b) The Department of Energy and Environmental Protection is  
6       hereby authorized by purchase, gift or otherwise to acquire such land,  
7       including, but not limited to, rights-of-way and easements for the  
8       purpose of protecting or enhancing scenic beauty, as may be deemed  
9       necessary to establish, protect and maintain the portion of the New  
10      England National Scenic Trail between Long Island Sound and the  
11      Massachusetts state line after considering the recommendations of the  
12      Metacomet Monadnock Mattabesett Trail System National Scenic Trail  
13      Feasibility Study and Environmental Assessment prepared by the  
14      National Park Service, dated Spring 2006.

15 (c) Any department or agency of the state or of any political  
16 subdivision may transfer to the Department of Energy and  
17 Environmental Protection lands or rights in land for such purposes on  
18 such terms and conditions as may be agreed upon, or may enter into  
19 an agreement with the Commissioner of Energy and Environmental  
20 Protection providing for the establishment and protection of said trail.

21 (d) As ordered in Public Law 111-11, the New England National  
22 Scenic Trail shall be held, developed and administered primarily as a  
23 footpath after consideration of the actions outlined in the Trail  
24 Management Blueprint as the framework for the management and  
25 administration of said trail; provided other uses of the trail and lands  
26 acquired hereunder may be permitted, by the owner of adjoining lands  
27 or other, in such manner and in such seasons as will not substantially  
28 interfere with the primary use of the trail. Nothing in this section shall  
29 be construed to limit the right of the public to pass over existing public  
30 roads which are or may become part of the trail, nor prevent the  
31 department from performing such work as is necessary for the  
32 purpose of forest fire protection, insect, pest and disease control.

33 (e) As stated in Public Law 111-11, the commissioner may enter into  
34 cooperative agreements with agencies of the federal government or  
35 with private organizations to provide for the maintenance of the trail.

36 (f) No person who has granted a right-of-way for said trail across  
37 his or her land, or his or her successor in title, shall be liable to any  
38 user of the trail for injuries suffered on said right-of-way unless the  
39 injuries are caused by his or her wilful or wanton misconduct as  
40 described in sections 52-557f to 52-557i, inclusive, of the general  
41 statutes.

42 (g) The Department of Energy and Environmental Protection is  
43 hereby authorized to use any department funds which may become  
44 available to carry out the provisions of this section. Any available  
45 funds from the United States Land and Water Conservation Fund or  
46 other federal assistance programs may also be used to accomplish this  
47 purpose.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>from passage</i>	New section
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**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill provides for the preservation and maintenance of the state's portion of the New England Scenic Trail by the Department of Energy and Environmental Protection (DEEP). This is not anticipated to result in a fiscal impact as currently non-profit groups and volunteers provide for the preservation and maintenance of the trail.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sSB 1015*****AN ACT CONCERNING THE NEW ENGLAND NATIONAL SCENIC TRAIL.*****SUMMARY:**

This bill requires the Department of Energy and Environmental Protection (DEEP) to preserve and maintain Connecticut's portion of the New England National Scenic Trail.

It authorizes (1) DEEP to acquire land for the trail, including rights-of-way and easements and (2) other agencies to transfer land to DEEP. It specifies that the primary trail use is as a foot path, but that other uses may be permitted if they do not interfere with this purpose. It gives immunity to a person who grants a trail right-of-way across his or her property, except for willful or wanton misconduct.

EFFECTIVE DATE: Upon passage

**NEW ENGLAND NATIONAL SCENIC TRAIL*****Preservation of Trail as State Policy***

The bill declares as state policy that the Connecticut portion of the New England National Scenic Trail be preserved in its natural character, as proposed in the federal Omnibus Public Land Management Act of 2009 (P.L. 111-11).

***Acquisition of Land***

The bill specifically authorizes DEEP to acquire land by purchase, gift, or otherwise, including rights-of-way and easements, to establish, protect, and maintain the Connecticut portion of the trail after considering recommendations of the National Park Service's 2006 Metacomet Monadnock Mattabesett Trail System National Scenic Trail

Feasibility Study and Environmental Assessment.

### ***Transfer of Land from Other Agencies***

The bill allows any department or agency of the state or its political subdivisions to (1) transfer to DEEP land or rights in land to preserve the Connecticut portion of the trail on terms and conditions that may be agreed upon or (2) enter into agreements with the DEEP commissioner to establish and protect the trail.

### ***Uses of Trail and Land***

As ordered in federal law, the bill requires the New England National Scenic Trail to be held, developed, and administered primarily as a footpath. But other trail and land uses may be permitted if they do not substantially interfere with the primary trail use. The bill does not limit (1) the public's right to travel over existing public roads that become part of the trail or (2) DEEP's ability to perform necessary work for forest fire protection and insect, pest, and disease control.

### ***Maintenance Agreements***

The bill authorizes the DEEP commissioner to enter into cooperative agreements with federal government agencies or private organizations to maintain the trail.

### ***Liability of Grantor of Right-of-Way***

Under the bill, no grantor of a trail right-of-way across his or her land, or a successor in title, is liable to any trail user for injuries suffered on the right-of-way unless the injuries are caused by the grantor's willful or wanton misconduct.

### ***Use of Funds***

The bill authorizes DEEP to use any available department funds and any available funds from the U.S. Land and Water Conservation Fund or other federal assistance programs to carry out the bill's provisions.

## **BACKGROUND**

### ***New England National Scenic Trail***

The trail is a continuous trail extending approximately 220 miles from the border of New Hampshire, through Massachusetts and Connecticut, to the Long Island Sound in Guilford, Connecticut. The trail is comprised primarily of the Mattabesett, Metacomet, and Monadnock trails. Pursuant to federal law, the United States cannot acquire land or interest in land for the trail without a landowner's consent (P.L. 111-11, § 5202).

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 28      Nay 0      (03/25/2013)